

REMARKS/ARGUMENTS

Claims 1, 3, 6-15 and 17-19 are present in this application. By this Amendment, claims 1 and 12 have been amended, and claims 4 and 5 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein (including the Examiner's suggested amendment to claim 12); (b) does not raise any new issues requiring further search and/or consideration (since the amendments merely incorporate subject matter of dependent claims into an independent claim); (c) does not present any additional claims without canceling the corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment was necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the Amendment is thus respectfully requested.

Claims 1 and 3-6 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,693,806 to Lit et al. This rejection is respectfully traversed.

The Office Action contends that Lit discloses "jewelry bars" defined as each bar between openings 16 that are "spaced from one another and disposed about each periphery of the sidewalls such that an opposite side jewelry bar is viewable through the assembly." The Lit patent, however, discloses a rotatable dispenser for pre-cut lengths of wire. In order for the dispenser to secure the pre-cut lengths of wire, a foam layer 36 is provided for receiving the wires through the openings. For an opposite side "jewelry bar" to be viewable through the assembly in the Lit patent as contended in the Office Action, it is necessary to ignore the foam layer 36, which would thus prevent the device from functioning as intended. As such, since the

foam layer prevents any viewing through the assembly as claimed, Applicant respectfully submits that Lit lacks at least the claimed jewelry bars spaced from one another and disposed about each periphery of the sidewalls such that an opposite side jewelry bar is viewable through the assembly.

With regard to dependent claims 3-6, Applicant submits that these remaining claims 3 and 6 are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 3, 4 and 6 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,998,334. Without conceding this rejection, claim 1 has been amended to include the subject matter of claim 5, which does not form part of this rejection. As such, Applicant submits that the rejection is moot. Withdrawal of the rejection is requested.

Applicant acknowledges with appreciation the indication that claims 7-15 and 17-19 are allowed. Claim 12 has been amended as suggested by the Examiner.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

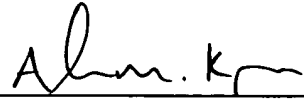
SIMMONS

Appl. No. 10/642,605

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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Alan M. Kagen
Reg. No. 36,178

AMK:jls

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

Telephone: (703) 816-4000

Facsimile: (703) 816-4100